

Exhibit K

1
2 UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MINNESOTA

4 LINDA TIRADO,
5 Plaintiff,
6 vs.
7 Civil Action No.
8 20-cv-01338 (JRT-ECW)

9 CITY OF MINNEAPOLIS; MINNEAPOLIS
10 CHIEF OF POLICE MEDARIA
11 ARRADONDO, in his official
12 capacity; ROBERT KROLL, in his
13 individual capacity, and
14 MINNEAPOLIS POLICE DEPARTMENT
15 OFFICERS JOHN DOES 1-4, in their
16 official and individual
17 capacities,

18 Defendants.

19 REMOTE VIDEOTAPED DEPOSITION OF
20 BRIAN BENNETT

21 Thursday, October 21, 2021

22 8:15 a.m. (CST)

23 Reported by:
24 Nicolette Urzia, CSR
25 Job No. 2021-812427

B. Bennett

launchers by the XO.

Q Talking about the year 2020, let's say, you know, January through May 2020, would you have a 40-millimeter less-lethal launcher with you during every shift?

A I would have it available to me.

Q But you would not bring it with you on every shift, is that correct?

A That's correct.

Q Under what circumstances would you bring it with you on your shift?

A I would bring it -- the majority of the time, the exceptions would be when I wouldn't bring it and those would be if we were assigned to a detail, we weren't going to be 911 patrol at that time.

Q Do you have to go through a process to check out a 40-millimeter launcher?

A As a SWAT member, if you're issued one, that's just part of your assigned equipment. If you're not and the SWAT sergeant wants you to have one, then

1 **B. Bennett**

2 **you'll sign one out at that time.**

3 Q So when you used -- when you
4 would bring your 40-millimeter launcher
5 with you on a shift, you did not have to
6 check it out or sign it out?

7 **A That's correct.**

8 Q So when you brought a
9 40-millimeter launcher on your shift, you
10 did not need to fill out any kind of
11 paperwork or documentation noting that you
12 were bringing it with you on your shift?

13 **A That's correct.**

14 Q Did you need to separately check
15 out 40-millimeter rounds at the beginning
16 of your shift?

17 **A As a SWAT member that is issued**
18 **a 40-millimeter launcher, they are also**
19 **issued a certain number of rounds that is**
20 **inventoried and assigned to you.**

21 Q Is there any process that tracks
22 when a SWAT member has brought a
23 40-millimeter launcher with them on their
24 shift?

25 **A As far as SWAT operations, yes.**

1 B. Bennett

2 As far as 911 patrol, no.

3 Q Can you describe the difference?

4 A Minneapolis SWAT Unit is not a
5 full-time unit. So my primary job duties
6 is 911 patrol, uniformed police officer,
7 dressed as a police officer, driving a
8 marked squad car, responding to 911 calls,
9 enforcing State and City law.

10 And then as a SWAT member, three
11 times a year you're assigned -- three to
12 four times a year, you're assigned to what
13 they call a 1280 team. That's just a call
14 sign. It's a warrant servant team. And
15 for one month, then you would be assigned
16 to that unit and that would be your job.
17 You would not be uniform patrol.

18 So as for the launcher in this
19 question, if you're to carry a launcher
20 during your SWAT activities, there would be
21 a record of that.

22 If you were working 911 patrol
23 and just had your SWAT gear with you in
24 your patrol car, you would not -- there
25 wouldn't be any record of you having it

1 **B. Bennett**

2 **unless you deployed it.**

3 Q Okay.

4 So on May 29th, would you have
5 had to -- would there be a record of you
6 checking out your -- or taking with you
7 your 40-millimeter launcher?

8 **A It would be noted in my report.**

9 Q By report, do you mean the
10 general offense report?

11 **A Correct.**

12 Q Would there be any other record
13 of you or any other SWAT members taking a
14 40-millimeter launcher on May 29th?

15 MS. SARFF: Objection. Lack of
16 foundation as to other officers.

17 **A I didn't have to check out a**
18 **launcher because I had one issued to me**
19 **already. So that process, I don't know**
20 **what that all entailed.**

21 Q I think you also mentioned there
22 being a record when you deploy the
23 40-millimeter launcher, is that right?

24 **A Yes. You would make an offense**
25 **report.**

B. Bennett

Q So in your general offense report, whenever you deploy your 40-millimeter launcher, are you required to make a record of that?

A Yes.

Q Do you have to state how many times you deployed the launcher?

A If practical.

Q Do you have to provide details regarding the targets that you were aiming at or hitting when using the launcher?

A If practical.

Q If -- can you explain what you mean by if practical?

A On -- on that night during the riots, there were so many individuals that were being assaultive, committing property damage. You were -- I was unable to keep track of each and every time and how many rounds that were fired.

Q Is there a record of how many rounds you bring with you at the beginning of a shift?

MS. SARFF: Objection. Lack of

1 B. Bennett

2 foundation.

3 A Can you clarify shift for me,
4 ma'am?

5 Q So when you start your workday,
6 when you go out on patrol or you go out on
7 a SWAT capacity and you bring your
8 40-millimeter launcher with you, is there
9 some record of what rounds you are bringing
10 with you when you go out?

11 A If you -- on the 911 response
12 side patrol function of my job, there is a
13 record maintained by the SWAT Unit of the
14 inventory of the munition that have been
15 assigned to me.

16 When you're assigned to the 1280
17 SWAT team, the warrant service team, or you
18 go out on a deployment, if you carry your
19 munitions, there would be that record, that
20 same record.

21 If you were assigned
22 projectiles, less-lethal projectiles from
23 the SWAT Unit, then there would be an
24 inventory of those rounds at that time.

25 Q When you finish your shift, so

1 B. Bennett

2 when you return to the precinct, do you
3 then need to return any unused rounds?

4 A Once again, to clarify that, the
5 911 patrol side of it, no. Those rounds
6 are assigned to you.

7 If you were assigned rounds from
8 the SWAT Unit, because you're on the 1280
9 warrant service team or you were deployed
10 for an operation, then those rounds would
11 be inventoried and returned to the SWAT
12 Unit at the end of your shift.

13 Q And would there be a record of
14 how many rounds you deployed during your
15 shift?

16 MS. SARFF: Objection. Lack of
17 foundation. And vague as to time
18 frame.

19 A On a normal -- on a normal
20 shift, in the 911 patrol function, you
21 would -- there would be -- you would have
22 to update your inventory.

23 The 1280 response, yes, because
24 you're returning those rounds. So they
25 would have to update the -- excuse me --

1 **B. Bennett**
2 **the inventory at the end of that**
3 **deployment.**

4 MS. SARFF: So before you go on
5 to another question, I'll just note
6 that it's 9:44. I guess that's a
7 minute early, but I would like to
8 break so that I can get to another
9 location and set up my computer in
10 advance of the status conference.

11 MS. TRIBIE: Yep. Now is fine.

12 MS. SARFF: Okay. Thank you.

13 MS. TRIBIE: So can we go off
14 the record for a second?

15 THE VIDEOGRAPHER: Off the
16 record at 9:44 a.m.

17 (Whereupon, a brief recess was
18 taken at 9:44 a.m.)

19 (Resumed 10:50 a.m.)

20 THE VIDEOGRAPHER: Back on the
21 record at 10:50 a.m.

22 BY MS. TRIBIE:

23 Q Mr. Bennett, we will pick up
24 where we left off.

25 So do the 40-millimeter